IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

MONDAY, THE 17TH SEPTEMBER 2007 / 26TH BHADRA 1929

WP(C).No. 34118 of 2006(J)

PETITIONER:

PUSHPAGIRI INSTITUTE OF MEDICAL SCIENCES & RESEARCH CENTRE, THIRUVALLA-689 101, REP. BY ITS PRINCIPAL-IN-CHARGE DR.G.SUJATHAN.

BY ADV. SRI.SANTHOSH MATHEW,
SRI.SATHISH NINAN.

RESPONDENTS:
----

1. **THE DIRECTOR GENERAL OF POLICE, KERALA, POLICE HEDQUARTERS, THIRUVANANTHAPURAM.**
2. **THE CIRCLE INSPECTOR OF POLICE, THIRUVALLA.**
3. **THE SUB INSPECTOR OF POLICE, THIRUVALLA.**
4. **SRI.MANU R., DISTRICT PRESIDENT, STUDENTS FEDERATION OF INDIA (S.F.I.), PATHANAMTHITTA.**

prv.

W.P.(C). NO.34118/2006:

5. SRI.A.S.PRAKASH BABU,
AREA SECRETARY, STUDENTS FEDERATION OF INDIA
(S.F.I.), THIRUVALLA, PATHANAMTHITTA DISTRICT.

***ADDL.R6. SUPERINTENDENT OF POLICE,**
PATHANAMTHITTA DISTRICT.

***IS IMPLEADED AS ADDITIONAL RESPONDENT NO. 6 AS PER ORDER DATED 30/05/07 IN I.A. NO. 6959/2007.**

****ADDL.R7. MR. P.K. KRISHNADAS,**
KERALA STATE PRESIDENT,
BHARATHIYA JANATHA PARTY, STATE OFFICE,
MARARJI SMRITHI MANDIRAM,
KRISHNA VILAS, K.G. MARAR ROAD,
THYCAUD .P.O., THIRUVANANTHAPURAM - 695 014.

****ADDL.R8. THE STATE PRESIDENT, BHARATHIYA JANATHA**
YUVA MORCHA STATE OFFICE, MARARJI SMRITHI
MANDIRAM, KRISHNA VILAS, K.G. MARAR ROAD,
THYCAUD.P.O., THIRUVANANTHAPURAM - 695 014.

****ARE IMPLEADED AS ADDL. R.7 AND R8 AS PER ORDER DATED 04/06/2007 IN I.A. 7266/2007.**

BY GOVERNMENT PLEADER SRI. SALIM P.A,
ADV.SRI.K.V.SABU,
SRI.KRISHNADAS P. NAIR,
SRI.HARIDAS P.NAIR,
SMT.K.L.SREEKALA,
SRI.M.A.VINOD.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 17/09/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

prv.

W.P.(C). NO.34118/2006:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: PHOTOGRAPHS OF THE PETITIONER'S BUS AND AMBULANCES.

EXT.P.2: COPY OF THE JUDGMENT IN W.P.(C). NO. 22222/2006 DTD. 15/12/2006 OF THIS HONOURABLE COURT.

EXT.P.3: COPY OF THE COMPLAINT DTD. 16/12/2006 SUBMITTED BY THE PETITIONER BEFORE THE R.3.

EXT.P.4 SERIES: PHOTOGRAPHS RELATING TO THE DAMAGES CAUSED TO THE PETITIONER COLLEGE BY THE RESPONDENTS 4 AND 5.

EXT.P.5 SERIES: PHOTOCOPIES OF THE NEWS ITEMS.

EXT.P.6: COPY OF THE COMPLAINT FILED BY THE PETITIONER.

EXT.P.7: COPY OF THE F.I.R. NO. 368/07 DTD. 28/05/07 REGISTERED BY THE R.3.

RESPONDENT'S EXHIBITS: NIL.

//TRUE COPY//

prv.

K.BALAKRISHNAN NAIR

T.R.RAMACHANDRAN NAIR, JJ.

W.P.(C) NO. 34118 OF 2006-J

Dated 17th September, 2007.

JUDGMENT

Balakrishnan Nair, J.

The petitioner is a Medical College. It seeks police protection against the unlawful actions from the part of respondents 4, 5, 7 and 8. The main allegations are raised against respondents 4 and 5. The management submits whenever an agitation of the students takes place, normally they start it by staging some violent demonstration against the college. In December, 2006, the windscreens of some vehicles belonging to the college were damaged by some miscreants, suspected to be the supporters of respondents 4 and 5. Ext.P1 is the photographs of the damaged vehicles. By Ext.P2 judgment, the Division Bench of this Court has placed certain restrictions on the activities of students organisations in colleges. Ignoring those restrictions, the members of the organisations led by respondents 4 and 5 are creating trouble in the campus of the petitioner college. So, the

Principal of the College filed Ext.P3 representation before the police, seeking protection. Thereafter, this writ petition is filed, seeking appropriate reliefs.

2. An additional affidavit has been filed by the petitioner, producing Ext.P4 series photographs, which shows the damage caused to the glass panel at the entrance of the Medical College building. The said damage was caused when the interim order passed by this Court on 21.12.2006 was in force, it is submitted.

3. The 3rd respondent has filed a statement, stating that prompt protection was provided to the management against unlawful actions of the students and a crime has also been registered against them as Crime No.368/2007. The 6th respondent has filed a counter affidavit, denying the allegation of laches from the part of the police. He submits, prompt action is being taken by the police, whenever the management requests for police assistance.

4. Since the agitations are already over, at present there is no threat of violence or damage. But, if any violence is apprehended from the part of the students or their supporters, the petitioner may inform respondents 2 and 3. In that event, they will enquire into the same and take appropriate prompt

action, if the apprehension of the petitioner is found to be true.

The Writ Petition is disposed of as above.

K.BALAKRISHNAN NAIR, JUDGE.

T.R.RAMACHANDRAN NAIR, JUDGE.

Nm/